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July 22, 2025

File No.: 55028.18

**Via ECF**

Hon. Robert W. Lehrburger  
Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re:** Ali Moore v. New York City Health + Hospitals, et al.  
Case No.: 22-cv-10957 (LGS)(RWL)

Dear Magistrate Judge Lehrburger:

We represent defendants New York City Health + Hospitals (“NYCH+H”), Dr. Nurur Rahman, Dr. Kalu Agwu, Dr. Ryan H. Hashem and Dr. Gautam Balasubramania Pandian (collectively “the NYCH+H defendants”) and join in the co-defendants’ letter motion to amend the caption and ECF Docket to reflect only the parties named in the Fourth Amended Complaint (ECF No. 298).

Plaintiff, by counsel, commenced this action with the filing of the initial Complaint on December 29, 2022 (ECF No. 1). He filed a First Amended Complaint, again by counsel on March 29, 2023 (ECF No. 25). On May 23, 2023, this Court granted plaintiff’s counsel’s motion to be relieved (ECF No. 66). Plaintiff, now appearing *pro se*, filed a “Fourth Amended Complaint” (actually a Second Amended Complaint) with leave of Court on September 5, 2023 (ECF No. 86). The NYCH+H defendants moved to dismiss on November 7, 2023 (ECF No. 95). The City defendants moved to dismiss on November 8, 2023 (ECF No. 100). On July 10, 2024, this Court denied in part and granted in part the motions to dismiss and directed that the defendants provide information about the “Doe” defendants (ECF No. 181).

In a joint letter, dated August 12, 2024, the NYCH+H defendants and City defendants provided identifying information for the “Doe” defendants, including the names of the additional NYCH+H defendants, which include: 1) Captain David Lopez; 2) Officer Terrence Pemberton; 3) Officer Georaida Germansen; 4) Officer Francis Senajour; 5) Seargent Joel Rivera; 6) Chang Young Cho, NP; 7) Eguagie Ehimwenma, RN; 8) Kemp Thane Herzberg, RN; 9) Emilia C. Okoroma, RN;

Ali Moore v. New York City Health + Hospitals, et al.  
 Case No.: 22-cv-10957 (LGS)(RWL)  
 LBBS File No.: 55028.18  
 July 22, 2025  
 Page 2

and 10) Crystal Channel Allman, RN. (ECF No. 190). Summons were issued and served upon some of these individuals at various times and they were added to the ECF Docket.

On November 6, 2024, the Court ordered that plaintiff was to file any Fifth Amended Complaint adding the names of the individuals named in response to its *Valentin* orders by November 27, 2024 (ECF No. 232). The Court subsequently granted plaintiff's application for additional time to do so until December 23, 2024 (ECF No. 248.)

On December 27, 2024, plaintiff filed a proposed "Fifth Amended Complaint" adding numerous defendants to the caption, including the additional NYCH+H defendants, but not adding any factual allegations relating to the additional NYCH+H defendants (ECF No. 254). This Court rejected the Complaint as frivolous and noted that the operative complaint remains the "Fourth Amended Complaint." The Court granted plaintiff a "final opportunity" to file an appropriate "Fifth Amended Complaint" by January 27, 2025, naming the individuals identified in the responses to the Court's *Valentin* orders as defendants, and noted that "[f]ailure to limit the proposed amendment as directed may result in denial of the proposed amendment for that reason alone" and that "[t]here will be no extensions absent good cause" (ECF No. 256).

On February 26, 2025, the Court issued a Civil Case Management Plan and Scheduling Order which provided, among other things, that amended pleadings were to be filed by April 30, 2025, and that any motion to amend after that date will need to meet the good cause requirements of FRCP 16.8 (ECF No. 271). On April 16, 2025, this Court issued an order noting, among other things, that service upon the additional NYCH+H defendants and others was moot since plaintiff never filed a "Fifth Amended Complaint as directed (ECF No. 286).

To date, plaintiff has failed to file a proposed "Fifth Amended Complaint" or demonstrate good cause as to why he has failed to meet the deadlines to do so set by this Court despite numerous generous extensions.

Consequently, we join in the co-defendants' letter motion to amend the caption and ECF Docket to reflect only the parties named in the Fourth Amended Complaint.

Respectfully submitted,

Eldar Mayouhas of  
 LEWIS BRISBOIS BISGAARD & SMITH LLP

Ali Moore v. New York City Health + Hospitals, et al.

Case No.: 22-cv-10957 (LGS)(RWL)

LBBS File No.: 55028.18

July 22, 2025

Page 3

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